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INTELLECTUAL PROPERTY LAW DEPARTMENT
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EXAMINER

LUJ, SY D

ART UNIT PAPER NUMBER

2174

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,860

Applicant(s)

FARAGO ET AL.

Examiner

Sy D. Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 May 2006.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/15/06
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: See Continuation Sheet.

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Continuation of Attachment(s) 6). Other: Duplicate copy of the Bequdouin-Lafon reference.

DETAILED ACTION

1. This communication is responsive to the Amendment and Response filed April 18, 2006.
2. Claims 1-18 are pending in this application. Claims 1, 9, and 14 are independent claims.

This action is made Final.

3. In the instant Amendment and Response, Applicants pointed out that a form PTO-892 was missing although it was indicated otherwise on the Office Action Summary. The Examiner acknowledges that an oversight was made, the indication on the Office Action Summary was an error. Thus, no form PTO-892 was to be attached to the previous Office Action. The Examiner regrets any inconvenience this may have caused.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC §103

5. Claims 1-4, 6, 9-12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. ("Alexander", US 6,038,516) in view of Lignoul (US 6,374,145 B1), Takase et al. ("Takase", US 6,504,534 B1), Lee (US 6,076,169) and Sorensen (US 6,598,226).

As per claim 1, Alexander teaches a method of remotely monitoring electrical power in an electrical circuit comprising the steps of: coupling a power meter to an electrical circuit for sensing power-related signals in said electrical circuit and generating power-related information based on said power related signals, and connecting a remote metering display to said power meter (fig 1; col. 15, lines 45 et seq.); said remote metering display including: a display screen (fig. IB; *display screen of element 142*);

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accessing said power-related information by navigating through menu options depicted on the display screen (*abstract and figures 6A-6B*).

Alexander further does not teach a motion sensor for powering on the display screen in response to detection of a person's presence within a predetermined distance of the remote metering display. Lignoul teaches the use of a proximity motion sensor for a user's presence in order to activate and deactivate a screen saver program on a display device (*abstract*; col. 3, lines 12 et seq.). It would have been obvious to an artisan at the time of the invention to combine Lignoul's teaching with Alexander's method in order to prolong the life of the display device.

While Lignoul teaches the use of a proximity motion sensor for a user's presence in order to activate and deactivate a screen saver program on a display device, Lignoul does not expressly teach the steps of activation/deactivation to further include powering on/off the display device. Takase discloses a computer power saving method in which a display device is powered-off when it is inactive for a predetermined time, and the device is powered-on when the computer (*abstract*). It would have been obvious to an artisan at the time of the invention to combine Takase's power saving method teaching with the method of Alexander-Lignoul in order to reduce unnecessary power consumption as well as to prolong the monitor's life.

Alexander does not explicitly disclose the navigating means to be a plurality of user interface buttons. However, Alexander's method provides scrolling operations for navigating through menu options (*Abstract*; figs 6). Furthermore, Sorensen teaches the use of user interface buttons, such as keyboard buttons, to perform scrolling function through menu options (col. 4, lines 46-50). It would have been obvious to an artisan at the time of the invention to include Sorensen's teaching with the scrolling functions of Alexander in order to facilitate user's menu navigation.

The method of Alexander-Lignoul-Takase-Sorensen does not expressly disclose the display screen to present, without user interaction, at least some of said power-related information when said display screen is powered on, and viewing from said distance at least some of said power-related information. This is what Lee teaches, wherein a power management system for a computer display device in which the content of the original screen is redisplayed of the device has been deactivated (fig. 2; step S11). It would have been obvious to an artisan at the time of the invention to combine Lee's teaching with the method of Alexander-Lignoul-Takase-Sorensen in order to immediately redisplay the previous display contents of said power-related information where the user left off.

As per claim 3, Lignoul teaches the display screen to be deactivated in response to no motion being detected by the motion sensor and none of the user interface buttons being pressed for a predefined period of idle time (col. 3, lines 12 et seq.) as well as the display screen to be powered off in Takase (abstract).

As per claim 4, the method of Alexander-Lignoul-Takase-Sorensen-Lee does not expressly teaches the predefined period of idle time to be definable in one of the menu options using the user interface buttons. However, Official Notice is taken that such a step of defining the predefined period of idle time through menu options, e.g. screen saver setting in Windows, is well known in the art. It would have been obvious to an artisan at the time of the invention to include such a setting feature with the method of Alexander-Lignoul-Takase-Sorensen-Lee in order to provide a user with a quick and easy means for defining the predefined period of idle time.

As per claim 6, Lignoul teaches the motion sensor senses infrared waves to be projected from a person's body (col. 5, lines 8-16).

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Claims 9 and 11-12 are similar in scope to claims 1 and 3-4 respectively, and are therefore rejected under similar rationale.

Claims 14-17 are similar in scope to claims 1-4 respectively, and are therefore rejected under similar rationale.

6. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. ("Alexander", US 6,038,516) in view of Lignoul (US 6,374,145 B1), Takase et al. ("Takase", US 6,504,534 B1), Lee (US 6,076,169) and Sorensen (US 6,598,226), and further in view of Moon (US 6,523,122 B1).

As per claim 2, the method of Alexander-Lignoul-Takase-Sorensen-Lee does not expressly indicate the display screen to be a vacuum florescent display screen. Moon teaches a computer system having a power management function, wherein a vacuum florescent display is used. It would have been obvious to an artisan at the time of the invention to use such a type of display screen with the system of Alexander-Lignoul-Takase-Sorensen-Lee depending on implementation preference without compromising functionality.

Claim 10 is similar in scope to claim 2, and is therefore rejected under similar rationale.

7. Claims 5, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. ("Alexander", US 6,038,516) in view of Lignoul (US 6,374,145 B1), Takase et al. ("Takase", US 6,504,534 B1), Lee (US 6,076,169) and Sorensen (US 6,598,226), and further in view of Given et al. (US 6,560,711 B1) and Beaudouin-Lafon (Instrumental Interaction).

As per claim 5, while Lignoul teaches an infrared sensor (col. 18, lines 60 et seq.), the method of Alexander-Lignoul-Takase-Sorensen-Lee does not expressly teach the motion sensor to include a plurality of selectable sensitivity levels for varying the predetermined distance, These

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features are what Given teaches in a method which utilizes a motion sensor that senses a user's presence in the vicinity (abstract; col. 7, lines 19 et seq.). It would have been obvious to an artisan at the time of the invention to include Given's features with the method of Alexander-Lignoul-Takase-Sorensen-Lee in order to provide more flexibility to the functionality of the sensor of Alexander-Lignoul-Takase-Sorensen-Lee.

While Given's method includes a manual adjustment of the potentiometer for selecting a plurality of selectable sensitivity levels for varying the predetermined distance, Given does not indicate the use of graphical user interface buttons from the menu to select one of the sensitivity levels. Beaudouin-Lafon teaches a graphical user interface model employing WIMP (Windows, Icons, Menus and Pointing) for designing instrumental interaction for instruments such as potentiometers (page 446, Abstract and Introduction; Page 449, Para. 4). It would have been obvious to an artisan at the time of the invention to combine Beaudouin-Lafon's teaching with the method of Alexander-Lignoul-Takase-Sorensen-Lee-Given in order to provide an interface that is easily designed, updated, user-friendly, functionality enhanced.

Claims 13 and 18 are individually similar in scope to claim 5, and are therefore rejected under similar rationale.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. ("Alexander", US 6,038,516) in view of Lignoul (US 6,374,145 B1), Takase et al. ("Takase", US 6,504,534 B1), Lee (US 6,076,169) and Sorensen (US 6,598,226), and further in view of Shpater (US 6,215,399 B1).

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As per claim 7, Lignoul teaches the motion sensor to include a pyroelectric detector for sensing infrared waves projected from a person's body, wherein the pyroelectric detector generates an analog output signal infrared sensor (col. 18, lines 60 et seq.).

The method of Alexander-Lignoul-Takase-Sorensen-Lee does not expressly teach the lens to be a fresnel lens, and wherein the motion sensor further includes an analog-to-digital converter for receiving and digitizing the analog output signal. However, the use of fresnel lens as a focusing means for motion sensors is known in the art. For instance, Shpater teaches a method using passive infrared motion detector, wherein infrared fresnel lens are employed (abstract; col. 2, lines 11-45). It would have been obvious to an artisan at the time of the invention to combine Shpater's method with the method of Alexander-Lignoul-Takase-Sorensen-Lee in order to make use of a widely known type of lens which would be cost effective as well as well proven.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. ("Alexander", US 6,038,516) in view of Lignoul (US 6,374,145 B1), Takase et al. ("Takase", US 6,504,534 B1), Lee (US 6,076,169), Sorensen (US 6,598,226), Shpater (US 6,215,399 B1) and further in view of Hong (US 5,339,104).

As per claim 8, the method of Alexander-Lignoul-Takase-Lee-Sorensen-Shpater does not specifically disclose an analog-to-digital converter for receiving and digitizing the analog output signal. Hong teaches a motion detecting apparatus in which an analog/digital converter is included in the motion detection apparatus (abstract). It would have been obvious to an artisan at the time of the invention to include Hong's teaching with the method of Alexander-Lignoul-Takase-Lee-Sorensen-Shpater so that the output signal could be digitized as required.

Response to Arguments

10. Applicants' arguments with respect to claims 1-18 have been considered but are not persuasive.

Applicants argue that the cited references fail to teach/suggest following: (a) the claim element of "...viewing from said distance at least some of said power-related information,"; (b) the Examiner has not provided the findings required to substantiate the basis for the official notice for user interface buttons for navigating through Alexander's menu options; (c) the motivation to combine the teachings of Alexander with various teachings of Lignoul, Takase, Lee, Shpater, Hong, Moon, Given and Beaudouin-Lafon, and the only motivation to combine the teachings comes from improper hindsight reasoning; and (d) Applicants indicated that the Beaudouin-Lafon reference has not been made available to the Applicants.

The Examiner disagrees for the following reasons.

Per (a), since Alexander teaches the person's presence is detected within a predetermined distance, and Lee teaches the displaying of at least some of said power-related information when the display screen is powered on, the claim element of "viewing from said distance" would have been obvious to take place by the user who has been detected. Without the detected user viewing from said distance, there would not be any logical reason for the display screen to display the information for viewing from said distance.

Per (b), per Applicants' request, a reference is provided for the teaching of using user interface buttons for navigating through menu options as detailed in the rejection section above.

Per (c), in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on

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obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the teachings from all applied art are analogous and require the use of a display device as well as displaying of information, and thus any improvements on the use of the applied art's display device would be well applicable and beneficial to Alexander's.

Per (d), a copy of the non-patent literature Beaudoin-Lafon reference was attached to office action mailed on 6/3/05. Note, the Beaudoin-Lafon reference was listed on the form PTO-892 which was also mailed on the same date of 6/3/05. Another copy is being furnished as part of this communication.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is **(571) 272-4064**. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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